Fisheries and Oceans Canada
Pêches et Océans Canada

A FRAMEWORK FOR IMPROVED DECISION-MAKING IN THE PACIFIC SALMON FISHERY

DISCUSSION PAPER

A New Direction:

The Sixth in a Series of Papers from Fisheries and Oceans Canada

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The Improved Decision-Making Discussion Paper is intended to provide a starting point for discussion amongst all interested parties. This discussion will be facilitated through an independent review process that will be conducted by the University of Victoria Institute for Dispute Resolution from September to December 2000. The details of the review process are currently under development by the Review Team and will be communicated to interested parties in early August.

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1. INTRODUCTION

Management of Pacific salmon is one of the most important and time-consuming responsibilities of Fisheries and Oceans Canada in Pacific Region. Fisheries management, broadly defined, encompasses a range of activities, including science and conservation, fish production, allocation of harvestable surpluses, harvest management and the development of policy.

Changes have already been made to science and conservation related decision-making processes. This paper proposes changes to decision-making processes for harvest planning, allocation and policy-making in the Pacific salmon fishery.

Input from First Nations, other harvesters and the public is essential to the good management of fisheries and oceans resources in the Pacific Region. Over the last twenty years, a wide range of formal and informal structures for receiving advice has been established, including ongoing committees and advisory boards, task groups and other mechanisms for liaison with all interested parties. These structures have evolved in an ad-hoc way and may not meet the current needs of those involved in the fishery.

Some advisory processes are clearly outdated; for example, commercial salmon advisory committees do not reflect the current gear- and area-based commercial licensing structure in the fishery. Many committees lack clarity of terms of reference and roles and responsibilities. And, there are ongoing concerns about the representation on present advisory committees and the mandate and accountability of these advisors.

Release of this paper represents a first step in the process of establishing a general framework for *more open and predictable decision-making* that incorporates *enhanced public participation*. The paper is intended to begin a public dialogue with First Nations, other stakeholders and other interested parties on the changes proposed and on specific implementation issues. This will be done through facilitated public workshops, as well as through bilateral discussions with First Nations and the Province concerning their roles within the revised decision-making framework.

Recently, the Auditor General noted a need for the Department to improve processes for consulting with the Province of British Columbia, with stakeholders, and with communities. On December 10, 1999 the Minister of Fisheries and Oceans announced a review of salmon advisory processes in Pacific Region. This paper will provide the basis for this review.

The proposals outlined in this paper and summarized in Annex 1 are all achievable within the current legislative framework for fisheries management. Over the long term, a more fundamental restructuring of fisheries management processes may be required. Any proposals for more fundamental (legislative) changes would be the subject of a separate consultative process.

2. OVERVIEW OF THE PROPOSALS IN THIS PAPER

The following three elements of a new framework for decision-making are addressed in this paper:

- *The update and refinement of existing advisory processes with respect to harvest management of the salmon fishery.*

- *The establishment of the recently announced Pacific Fisheries Allocation and Licensing Advisory Board.*

- *Implementation of a more formalized policy advisory process.*

Changes made to science and conservation related decision-making processes and the potential role of area-based, multi-stakeholder bodies are discussed in Annex 2.

Salmon management cannot be dealt with in isolation. Some of the structures proposed here would have broader application with respect to other aspects of Fisheries and Oceans Canada mandate.

This paper does not address decision-making in the Yukon. In the Yukon, extensive and specific consultation and management arrangements are contained in the First Nations Umbrella Final Agreement. It is not the intention of this paper to encroach on the Yukon process nor address the bilateral consultation process with First Nations.

Finally, the Pacific Salmon Treaty outlines the process for decision-making in the international context. Therefore, the focus of this paper is on decision-making in domestic salmon fisheries.

3. OVERVIEW OF CURRENT ADVISORY ARRANGEMENTS

In tidal fisheries, the extent of management authority that lies in the federal domain is much greater than for other resources, such as land, where private property rights exist. This is reflected in the Fisheries Act, where very broad discretionary powers are conferred on the Minister of Fisheries and Oceans for licensing, allocation and regulating the conduct of the fishery. Fishing groups compete for the same fish, and their collective interests are contrary to those of others whose activities impinge on fish or who wish to preserve resources from exploitation.

Existing advisory processes have evolved, over time, in a largely ad hoc way. Some processes, such as the Sport Fish Advisory Board, provide a region-wide perspective while others, such as First Nations consultation, operate largely on a localized basis. The current structure is not well integrated or well designed to deal with the full range of issues involved in managing the salmon fishery. There are few opportunities for dialogue between different interest groups in the fishery. Also, significant gaps include the lack of formal region-wide advisory processes with respect to First Nations and commercial fisheries management.

The Department manages all tidal fisheries, including the Pacific salmon fishery, in a manner consistent with the relevant case law (including Regina v. Sparrow) regarding aboriginal and treaty rights. The Department consults bilaterally with individual First Nations throughout the province on the fishing that they wish to conduct and on the management measures to be implemented in these fisheries. The Department also receives input and advice from watershed and other First Nations groups, including the British Columbia Aboriginal Fisheries Commission, on broader aboriginal perspectives. The Department is working with the BCAFC and the First Nations Summit on the involvement of First Nations in policy development.

Collaboration and co-operation with the provincial government of British Columbia has been facilitated through a variety of formal agreements and informal administrative arrangements over the years. In 1997, the Prime Minister and the Premier of British Columbia signed an Agreement on the Management of Pacific Salmon Fishery Issues. The agreement establishes a Canada-BC Council of Fisheries Ministers to facilitate ongoing dialogue on issues of mutual concern. With respect to the recreational fishery, the Sport Fish Advisory Board (SFAB) plays a central role. The SFAB is a broad-based forum of independent anglers and

recreational fishing business associations which provides views and advice to the Minister of Fisheries and Oceans. Advice on salmon management is a central part of the SFAB mandate due to the importance of this fishery to the recreational sector.

With respect to commercial salmon fisheries, seven standing advisory boards and committees, organized geographically, have provided input to the responsible Fisheries and Oceans Canada managers on the development of annual commercial fishing plans and other operational matters. The majority of participants on these committees are members of independently organized industry associations. Some of these committees also have broader than commercial representation, including local First Nations, recreational fishing interests and, at times, local and provincial governments. Since the Commercial Fishing Industry Council formally disbanded in 1998, there has been no region-wide association that broadly represents commercial salmon stakeholders. Recently, however, some commercial salmon licence holders have organized a Salmon Harvesters Society.

The Department also hosts public meetings, open houses and broad-based cross-sectoral workshops to obtain input on important salmon fisheries matters. For example, in 1998 the Department held extensive public meetings on the coho conservation crisis prior to developing the annual Pacific Salmon Management Plan. In 1999, two multi-sector workshops and other public meetings were used to obtain further input on selective fishing programs and policies.

The current structure is illustrated in Table 1.

TABLE 1

PACIFIC REGION: EXISTING ADVISORY STRUCTURE WITH RESPECT TO PACIFIC SALMON HARVEST

	First Nations	Recreational	Commercial
Region-Wide	Input and advice from the BC Aboriginal Fisheries Commission and First Nations Summit	Input and advice formally received from the Sport Fish Advisory Board (SFAB)	Input and advice received in a fairly unstructured way from numerous organizations that represent elements of the commercial fishing industry, e.g. area associations, NBBC, etc.
Sub-Regional	Formal consultation with individual First Nations and Aboriginal organizations	Input and advice from SFAB Locals	Input and advice formally received from seven separate advisory boards: • Queen Charlotte Islands • North Coast • Central Coast • South Coast • Fraser River • Inside Troll • Outside Troll

4. FRAMEWORK FOR IMPROVED DECISION-MAKING

The management of Pacific fisheries requires many different types of decisions at many different levels. This ranges from broad-based and long-term decisions on the objectives of fisheries management to detailed decisions on the regulatory controls that apply to individual fisheries. Not all stakeholders are equally affected by all decisions. There is a need to break down functions from the general to the specific and from the long-term to in-season. This way, discussions can be focussed with the most appropriate participants and the need for all interests to be involved in numerous different venues can be reduced. As a first step, there is a need to distinguish between:

- decisions on policy from those involving operational planning and program delivery;
- decisions requiring impartial and/or adjudicative processes from those best dealt with through representative processes;
- decisions that can be made locally from those requiring a region-wide focus;
- decisions that impact a single sector from those having an impact upon a number of different sectors; and,
- decisions that affect the broader public good from those that have a limited impact.

Appropriate structures are required to deal with each set of issues. The following sections outline a proposed framework to meet these goals.

4.1 Salmon Management – Harvest Management Advisory Process

Harvest management in the salmon fishery involves the development of annual or multi-year plans for harvesting, catch monitoring and compliance. Harvesting plans, for example, must reflect expected fishing opportunities and, when necessary, in-season adjustments where returns are unexpectedly low or high. These plans must be consistent with the long-term directives and guidelines established by policy. Harvest plans also address compliance issues such as the day to day enforcement and regulation of the fishery. Appropriately constituted and representative groups can assume a greater role in harvest planning and responsibility for day to day activities, within established regional and national policies.

In terms of harvest planning in the salmon fishery, there are First Nations and recreational groups with significant local interests, along with an area-based commercial licensing structure. For these reasons, ongoing input to the Department on its harvest planning and management of the salmon fishery may best originate from representative standing committees of harvesters that are organized for appropriate geographic areas.

Accordingly, it is proposed to establish two salmon harvest management advisory committees – one for Northern BC and one for Southern BC.

Salmon Harvest Management Advisory Committees:

Salmon harvest management advisory committees - comprising First Nations, recreational and commercial harvesters - would form an essential foundation for improved operational decision-making in the salmon fishery. These are the parties with an active stake in the development of salmon harvesting plans and day to day management of the fishery. Their involvement in the decision-making process can improve decisions by bringing practical insights. Their co-operation and support is essential to effective management of the fishery. DFO's role on these committees would include chairing meetings and providing the long-term directives and guidelines established by policy.

Although a number of guiding principles for the establishment of these salmon management advisory committees are identified at this time, many of the details of their mandate, membership selection and operating style are not specified. These committees would need to be formed in close liaison with the individual harvester interests within each geographic area. For example, commercial salmon licence holder representatives could be selected using an election process for each gear/licence area. At the same time, an identical election process is not feasible for selecting recreational sector representatives. DFO would work with all harvesting interests to establish appropriate representation and selection methods.

Guiding Principles:

1. Effective and Efficient

Salmon harvest management advisory committees must be able to provide detailed and focussed advice on complex operational matters, such as the development of annual or multi-year salmon management plans. This requires representatives who

are knowledgeable and properly mandated by those they represent. It also requires groups of manageable size to deal in sufficient depth with the issues under consideration. Finally, these committees must be able to operate according to disciplined schedules, particularly when working on harvesting plans and other matters requiring sufficient lead time for orderly implementation. In general, the number of direct participants on these committees should be the minimum number required for balanced understanding and consideration of the issues relevant to the committee's mandate. To do this, similar interests will be encouraged to amalgamate to represent their views more efficiently.

2. Appropriate Representation

Committees such as these will function within appropriate, clearly defined areas of responsibility. For example, harvest management advisory committees will operate within established regional and national policies and avoid dealing unilaterally with issues requiring a region-wide focus. It is proposed that the North Coast and South Coast harvest management advisory committees would be initially responsible for developing and proposing co-ordinated fishing, catch monitoring and reporting plans for their respective areas. Over time, these committees or associated organizations could also assume a greater share of resource management responsibilities (such as test fishing and catch monitoring) within the context of approved plans. Representation should be appropriate to those responsibilities.

3. Accountable and Transparent

Most people actually affected by the decisions made by the Department will rely on the members of these committees to represent their views and interests. The accountability of these representatives to those they represent must be clearly confirmed on a regular basis through open and appropriate processes. Where feasible, democratic selection of representatives should be followed.

A major emphasis of the approach described above is to actively support dialogue between the different harvesting sectors within a geographic area and encourage them to deal jointly with issues of common concern.

This process would be independent of the bilateral consultations between Fisheries and Oceans Canada and First Nations about their food, social and ceremonial fisheries. These fisheries remain a matter of arrangements between Fisheries and

Oceans Canada and the First Nations and the access to such fisheries will continue to be the subject of negotiations under the Aboriginal Fisheries Strategy or the treaty process. However, First Nations participation in the salmon management advisory committees would facilitate needed co-ordination between the fishing plans of First Nations and other users of the resource.

Some Issues for Public Discussion in Establishing Salmon Harvest Management Advisory Committees

1. How should representatives to these advisory committees be chosen?
2. Who should choose these representatives?
3. How many representatives should be on each committee?
4. What would be the term for members?

Region-wide Integration:

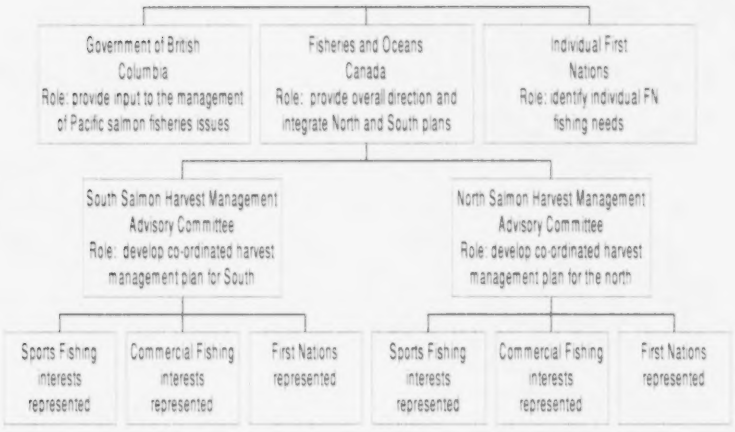
Since salmon is a migratory species, its harvest cannot be managed on an area basis alone. In the interests of conservation, it is essential to co-ordinate planning and management between different geographic areas. Fisheries and Oceans Canada will be the focal point for integrating the advice received from both North and South Coast salmon harvest management advisory committees and finalizing a coast-wide fishing plan for approval. It is anticipated that an ongoing dialogue will continue between the Department and the two harvest management advisory committees with respect to the integration of the advice received and the resolution of any inconsistencies between the two area plans.

It is also anticipated that region-wide organizations representing individual harvesting interests (such as the Sport Fish Advisory Board and the British Columbia Aboriginal Fisheries Commission or the recently organized commercial Salmon Harvesters Society) can play a useful role at this level. Region-wide organizations that are inclusive and broadly representative of individual stakeholder groups can provide a coast-wide view on matters that impact their individual interests. While this coast-wide perspective will be particularly important in developing fisheries policy (see Section 4.3), continuing input with respect to operational matters is also appropriate. The nature of that role and the linkages between these organizations and the proposed Harvest Management

Committees is left for further discussion with the various stakeholders and their organizations. It should be emphasized that the Department's interest in the matter is to enhance the credibility and the value of the harvest management advice received. Advice should be based on an effective dialogue between the various interests in the fishery and the potential for unresolved conflicting advice should be minimized.

The following chart shows the relationships between the various bodies and interest groups under the proposed approach. The various harvesting interests within the local area would be represented on the South and North Harvest Management Committees. These committees would be responsible for developing co-ordinated harvest plans for their area that meet First Nations and international requirements and reflect the overall policy direction provided by the Department. The Department would be responsible for ensuring that the plans meet the established requirements and policy direction, for resolving any inconsistencies between area plans and for integrating these plans into a single coast-wide plan for final approval.

Pacific Region:
Proposed Advisory Structure for Harvest Management of the Salmon Fishery


Government of British Columbia
Role: provide input to the management of Pacific salmon fisheries issues
Fisheries and Oceans Canada
Role: provide overall direction and integrate North and South plans
Individual First Nations
Role: identify individual FN fishing needs
South Salmon Harvest Management Advisory Committee
Role: develop co-ordinated harvest management plan for South
North Salmon Harvest Management Advisory Committee
Role: develop co-ordinated harvest management plan for the north
Sports Fishing interests represented
Commercial Fishing interests represented
First Nations represented
Sports Fishing interests represented
Commercial Fishing interests represented
First Nations represented

The present extensive number of advisory committees, boards, task groups and other channels for public involvement in the Department's decision-making processes consume a great deal of money, time and effort on the part of departmental staff and private participants. It is recognized that past practices with respect to funding of participants in the Department's advisory processes have been inconsistent. This has sometimes inadvertently limited participation to vested interests with the resources to participate. The Department will work with all interests to address these matters. The key objectives will be to ensure that all parties with a significant stake in an issue have an equal opportunity to participate. A consistent and more reasoned approach to the funding of advisory committees and advisors will be established and followed by the Department.

4.2 Pacific Fisheries Allocation and Licensing Advisory Board

As announced in the document An Allocation Policy For Pacific Salmon (October 1999), the Department will establish an Allocation and Licensing Advisory Board in the calendar year 2000. The Department's goals for a reformed allocation and licensing process are really a subset of its broader goals for the management of the fishery. These goals include:

Openness and transparency: those affected by licensing and allocation decisions should see how decisions are taken, by whom they are taken and who contributed to or influenced the decisions.

Fairness: licensing and allocation decisions must not only be fair but be seen to be fair.

Public participation: in the key decisions on the management of a public resource that provides benefits vital to the wellbeing of individuals and communities.

Economical and effective: decision-making that focuses on the right issues, brings the necessary views to the table and provides for timely and definitive resolution of issues.

Overview of the Proposed Board

An expert and impartial board, that functions under ministerial direction. The Board, under policy direction from the Minister, would hold hearings and develop advice to the Minister on: the implementation of established allocation principles; changes to those allocation principles; and changes to commercial licensing rules. The Minister's statutory authority would not be affected.

A coast-wide mandate to advise on domestic allocation, covering both commercial and recreational fisheries. First Nations' food, social and ceremonial fisheries and treaty obligations would be excluded from the Board's mandate. Similarly, Canada's international obligations would be excluded from the Board's mandate.

A broad-based mandate to advise on commercial licensing rules. The Board would provide advice respecting eligibility to hold a commercial licence and the rules for licence re-issuance. Licence rules establish who may be issued a licence and the circumstances under which the Department, acting in the Minister's name, may issue a licence.

A public process. Public hearings would be held to which all affected parties would have access. There would be full public disclosure, subject to laws respecting the protection of privacy, of the advice tendered to the Minister.

A focus on longer-term allocation issues. To the extent possible, annual allocation decisions would be resolved within the integrated fisheries management planning process at an operational level. The Board would focus on issues such as significant matters of outstanding dispute and precedent in the implementation of established policy and the need for longer-term allocation and licensing change.

Eventual replacement of the existing Pacific Region Licence Appeal Board (PRLAB). The existing PRLAB hears appeals from individual fishermen for special consideration in the application of commercial licensing rules and advises the Minister on these matters. As the new allocation and licensing board develops expertise in licensing rules, and the rationale underlying them, over time it should assume the role of the PRLAB.

Specific functions of the Board could include:

- Advising on allocation and licensing issues associated with the introduction of new, more selective fishing techniques in both the recreational and commercial fisheries;
- Advising on appropriate revisions to commercial fleet target allocations to account for changes in fleet composition and distribution;
- Advising on commercial licensing rules, for example, as a substitute for the role previously played by departmental officials in developing the detailed rules for area licensing, single gear licensing and stacking;
- Advising on requests from individual licensees for special consideration under the established licensing rules.

The Board may also be assigned a role in:

- Conducting post-season review of the fishery, to determine whether established allocation priorities and commercial target allocations have been achieved;
- Leading public reviews of bilateral allocative arrangements in the salmon fishery between the Department and user groups, including proposed "partnering"-type arrangements.

What do we mean by "licensing rules'?

Licensing rules are rules respecting eligibility to hold a commercial licence. They establish who may be issued a licence and the circumstances under which the Department, acting in the Minister's name, may issue a licence.

Since the Minister, by law, has "absolute discretion" to issue licences, these rules do not bind his licensing powers. Rather, they should be understood as directives to his officials respecting the exercise of his discretionary licensing powers. People who disagree with the application of licensing rules to their particular case may seek an exemption from those rules, through an impartial hearing process with the final decision resting with the Minister.

Licensing rules should not be confused with licence conditions, which are rules for operating the licence, once issued.

In the Atlantic commercial fisheries, there are many eligibility rules; these can include residency requirements, experience and training requirements; owner-operator requirements; or restrictions on participation in other fisheries. In the Pacific commercial fisheries the restrictions are fewer but do include:

- *Detailed vessel replacement rules in the salmon fishery;*
- *Some restrictions on the number of licences held by large corporate interests.*

In future, when the Minister proposes to change the eligibility rules for holding commercial licences, he will give a broad directive to the Board. It is likely that this directive, setting out the general policy goals, terms and criteria for the change, will be reviewed through a fisheries policy forum for comment on its policy aspects.

The Board will then hold public hearings and provide the Minister with recommendations for the new licensing rules.

Implementation Process and Timelines

Implementation of the Board will take place in two phases. The Minister will appoint a knowledgeable, impartial and respected chairperson. The chairperson will be charged with finalizing the details of Board design and operations using input received from stakeholders on this discussion paper and other consultations that they may deem appropriate. In particular, the chairperson will obtain the specific views of stakeholders on board composition and possible candidates for the other seats on the Board, for consideration by the Minister.

The remaining members of the Board will be appointed as soon as possible thereafter, with a view to having a fully operational Board early in 2001.

Some Issues for Public Discussion in Establishing an Allocation and Licensing Board

1. What knowledge and experience is desirable in board members? How should they be selected?
2. How should the board's composition balance the competing claims of *experience and impartiality* with *public credibility*, including representation of stakeholders?

4.3 Policy Process

For the purposes of this paper, policy is defined as involving development of long-term, strategic direction having broad application (e.g. ocean ranching). Policies also provide the framework and guidelines within which annual plans and programs are developed. For example, the selective fishing policy is a permanent feature of harvest management that is being applied across all fisheries and involving all sectors; this policy will be reflected in licensing, in allocations and in annual salmon harvesting plans.

The Minister of Fisheries and Oceans is responsible and publicly accountable for the proper management of fisheries resources in the interest of present and future generations of Canadians. However, considerable flexibility exists in the Fisheries Act and other statutes about specific policies that should govern fisheries management. Major choices about how fisheries are managed are left to the

Minister's discretion, with no explicit statutory or legal framework to guide the exercise of this discretion (with the exception of the case law respecting aboriginal fishing rights and a general body of administrative law principles).

The introduction of a more formal and structured process for providing the public with input to policy decision-making is a key element of an improved decision-making framework for fisheries management. While the need for such a process may be particularly evident with salmon, there is an equivalent need with all species and all fisheries. In addition, such an approach could be equally used to develop policy for non-fish related issues.

A more formal process will provide a visible, accessible venue for all interests in the fishery (including community and broader public interests) to discuss long-term policy issues. It will channel and focus the public dialogue and facilitate the provision of more structured, considered advice on policy matters. A more formal policy process will also help to ensure harvest management advisory processes remain focussed on their core task.

The proposed policy process has two elements:

- A standing body, the Policy Process Steering Committee, to advise the Department on the issues for review and how the public should provide their input on individual issues; and

- Advisory policy forums, to provide a focussed venue for discussion among interests in the fishery (including broader public interests) of high-level policy issues that impact the management of the fishery. A policy forum could be established to consider a single, broad issue or a suite of inter-related issues. These forums would provide advice on policy issues following their deliberations.

Policy Process Steering Committee

The Policy Process Steering Committee would be chaired by the Regional Director-General, Pacific. As ex officio members, the chairs of the PFRCC and the Allocation and Licensing Board would sit on the committee. First Nations would be invited on the committee. Discussion with the Province of B.C. would also be initiated to determine their interest in participating. This committee would

identify and delineate the issues for resolution and *advise on a public process* for moving them forward. It would not provide policy advice.

The Steering Committee, chaired and directed by the RDG, would:

- Identify and prioritize policy issues, taking into account suggestions from the public, established advisory boards and committees and the Department;
- Recommend the establishment of a policy forum and provide advice on participants for policy forums; and
- Develop suggested Terms of Reference for the forum.

Policy Forums

The Regional Director-General Pacific, taking into account advice from the Policy Steering Committee would establish the policy forums. Membership on the forums would include a broad representation of those having an interest in the issue. A forum could be chaired by the RDG or other DFO officials, by a member of the Steering Committee or by a knowledgeable member of the public. Forums may also employ an independent facilitator. Policy forums would operate in an open manner with records of inputs received, advice provided and the rationale.

Linkages to Licensing and Allocation Board

The Allocation and Licensing Board will not initiate policy change or develop policy. Rather, it will function under ministerial policy direction. The Board will advise the Minister on changes to allocations or licensing rules required to implement ministerial policy decisions. For example, the Minister has announced a policy regarding salmon allocation. The Board's responsibility will be to advise the Minister on the detailed application of this new allocation policy.

It is important to note that the revamped policy process must support meeting the Crown's fiduciary obligations to aboriginal people. Furthermore, treaty related issues including those related to fish, fishing arrangements, fisheries management and other matters will continue to be addressed though the British Columbia Treaty Process. **A revised fisheries policy advisory process must complement, not substitute for or duplicate, the roles of the local, regional and province-wide advisory processes supporting these important negotiations.**

ANNEX 1

Synopsis of Proposed Improvements

This document proposes significant changes to the overall process presently used by the Department to obtain input and advice from stakeholders and other interested parties on the management of the salmon fishery. These proposed changes would have implications for a number of existing advisory bodies and processes. To assist stakeholders and others to assess these changes, the following synopsis is offered.

AREA	FROM	TO
POLICY ADVICE	Advice received independently from individual stakeholders and organized groups including the Sport Fish Advisory Board, BC Aboriginal Fisheries Commission, individual First Nations and numerous self-organized groups that represent elements of the commercial fishing fleet and commercial fishing industry.	Structured and considered advice received through Fisheries Policy Forums that broadly reflect the various interests associated with an issue including broader public interests.
ALLOCATION AND LICENSING	Extensive, mostly conflicting advice received independently from numerous groups of recreational and commercial fishers. Periodic advice received from appointed special advisors. Advice received from the Pacific Region Licence Appeal Board on specific licensing appeals.	Advice received from an expert, impartial Board based upon a structured and transparent public hearing process.

HARVEST MANAGEMENT	Often conflicting advice provided independently by all major sectors. <u>First Nations:</u> Advice received independently from individual First Nations and the BC Aboriginal Fisheries Commission. <u>Sports:</u> Formal advice received through the Sport Fish Advisory Board with some direct input to the Department from SFAB local organizations. <u>Commercial:</u> Independent advice received from seven geographically based advisory committees: • Queen Charlotte Islands • North Coast • Central Coast • Inside Troll • Outside Troll • South Coast • Fraser River Advice also received independently from numerous organized groups representing elements of the commercial fishing fleet, the commercial industry and community interests.	Continuing advice from individual First Nations on their food, social and ceremonial needs. Co-ordinated advice on fisheries harvest management plans provided by all major user groups through 2 cross-sectoral Harvest Management Advisory Committees (one for Northern BC and one for Southern BC). Supplementary advice on specific region-wide sectoral issues provided by sectoral organizations including the SFAB and the BC Aboriginal Fisheries Commission.

ANNEX 2

RECENT DEVELOPMENTS IN ADVISORY PROCESSES

Improvements have already been made to the processes for making scientific- and conservation-related decisions in the salmon fishery. Specifically, the Minister has established a Pacific Fisheries Resource Conservation Council (PFRCC), an independent body that reports annually on the status of British Columbia's salmon stocks, their related habitat and ecosystems. The PFRCC is mandated to advise the public and governments on salmon conservation issues and, where appropriate, provide recommendations for the better conservation and protection of the resource. The council provides an important, impartial view on the status of the resource and the necessary conservation measures. The public nature of the annual reports supports a common understanding among governments, First Nations, stakeholders and the general public on these issues. The PFRCC does not deal with issues of allocation or in-season fisheries management.

The Department has recently made significant changes to the scientific review process in the Pacific Region by allowing public participation in the Pacific Scientific Advice Review Committee (PSARC). PSARC is the forum for peer review and evaluation of scientific information on the status of fish stocks and their habitat. PSARC consists of five Subcommittees – Salmon, Groundfish, Invertebrate, Pelagic and Habitat – which meet formally several times a year to review scientific assessments and other relevant issues.

The Salmon Subcommittee provides advice on the status of major salmon stocks, the biological risks to stocks associated with ranges of catch, and provides forecasts of run sizes. The Subcommittee advice provided to internal and external clients takes uncertainties in analyses and biological/environmental relationships into account. Advice is published in PSARC Advisory Documents, which are produced after each Subcommittee meeting and become the Region's official records of scientific advice. The PSARC process has been made more open and transparent by opening Subcommittee meetings to individuals from academia, First Nations, stakeholders, other government or private institutions, and the general public. Papers originating from outside the Department can also be submitted for PSARC review.

The Department of Fisheries and Oceans is committed to move toward a more co-ordinated, eco-system based approach to the management of fisheries and oceans resources, consistent with spirit and intent of the Oceans Act. Therefore, on a pilot basis, the Department will support the development of a multipartite local management body for the West Coast of Vancouver Island. Primary goals for area-based, multi-stakeholder bodies could include:

- Greater involvement of local residents in resource stewardship, fish stock enhancement and habitat protection;

- Greater co-ordination between different orders of government in planning and delivering programs and activities, particularly those that affect the conservation and sustainability of the fisheries resource;

- Concerted and co-ordinated action on the development of integrated coastal zone management plans and the identification of Marine Protected Areas, as required by the Oceans Act.

The specific responsibilities for the WCVI pilot will be determined through negotiations. However, it must be stressed that area-based bodies cannot be assigned functions that impair the Minister's ability to set and apply regional or national policy. Nor can these bodies be empowered to deal with management or operational matters associated with migratory fish species such as salmon because of the need for careful co-ordination between areas. Input from local interests on these matters is best provided through other, broad-based advisory processes, including the proposed Salmon Harvest Management Committees, the Allocation and Licensing Advisory Board and the proposed Policy process.

For these reasons, the responsibilities assigned to the WCVI pilot will be consistent with the mandate of other regional processes including the policy development process, the allocation and licensing board and the salmon harvest management advisory committees. The scope of responsibilities will also be contingent on the breadth of public and stakeholder participation in, and support for, the pilot.

With respect to the WCVI pilot, the following program co-ordination, program delivery and advisory functions related to salmon are anticipated:

- The WCVI body could be an appropriate venue to discuss habitat issues and salmon production planning for the West Coast of Vancouver Island.

- Members could participate in the broader regional habitat and enhancement advisory processes.

- Habitat and enhancement program delivery could also be assigned to the WCVI pilot.

A broader role for the WCVI body in the context of Oceans Act implementation is also anticipated. However the concept and ground-rules for the further development of area-based, multi-stakeholder bodies in the context of Oceans Act implementation will be provided in a subsequent paper.